

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Division

Asbesto Containing Materials in Schools and State Buildings
(LAC 33:III.2701, 2703, 2705, 2707, 2711, 2713, 2717, 2719, 2721, 2723, 2725, 2735, 2739,
2741 and 2799) (AQ329)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2701, 2703, 2705, 2707, 2711, 2713, 2717, 2719, 2721, 2723, 2725, 2735, 2739, 2741 and 2799 (AQ329).

LAC 33:III.Chapter 27 requires local education agencies and the state government to identify friable and nonfriable asbestos containing material (ACM) in schools and state buildings by visually inspecting schools and develop management plans to manage the asbestos. This action is required to delete unnecessary language, clarify some language in the regulations and make necessary changes in order to help implement the programs. The basis and rationale for this rule revision is to clarify language adopted from the federal regulations to ensure that the regulated community understands the requirements to protect public health when disturbing asbestos-containing materials. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

This rule has no known impact on poverty as described in R.S. 49:973.

A public hearing will be held on May 29, 2013, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ329. Such comments must be received no later than June 5, 2013, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ329. These

proposed regulations are available on the Internet at
www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 27. Asbestos-Containing Materials (ACM) in Schools and State Buildings
Regulation

§2701. Asbestos-Containing Materials (ACM) in Schools and State Buildings

A. – B.1. ...

2. Except for the requirement to submit Form AAC-8 pursuant to LAC

33:III.2723.A, State buildings built after 1978 are exempt from the requirements of this Chapter unless there is the possibility of the presence of asbestos or if:

a. the state building is not used as a school building for the education of grades kindergarten through post-graduate; or

b. the state building does not contain asbestos as determined through review and approval of the Office of Environmental Services prior to occupancy of the building by:

i. a signed statement(s) of no asbestos in construction as defined in LAC 33:III.2703.A that addresses the entire building, and all additions and renovations; or

ii. an inspection report submitted in accordance with LAC 33:III.2707 as a result of an inspection stating that no asbestos is contained in, or on the outside

of the state building, together with signed statement(s) of no asbestos in construction that address all additions and renovations conducted after the inspection; and

c. a copy of the department approval of any documents submitted pursuant to Subparagraph B.2.a. of this Subsection shall be maintained at the administrative office of the building.

3. Except for the requirement to submit Form AAC-8 pursuant to LAC 33:III.2723.A, State buildings built prior to 1979 are exempt from the requirements of this Chapter provided that:

a. the building is not used as a school building for the education of grades kindergarten through post-graduate;

b. prior to occupancy, the department reviews and approves documentation of one of the following:

i. the complete renovation of the state building after January 1, 1979 that complied with the following:

(a) an inspection conducted during the renovation that showed that all ACM was removed from the inside and the outside of the building; and

(b) no asbestos containing material was added in the renovations as documented by signed statement(s) of no asbestos in construction; or

ii. an inspection conducted in accordance with LAC 33:III.2707.A reveals that no asbestos is contained in or on the outside of the state building; and

c. no asbestos containing materials were added to the building subsequent to the inspection conducted pursuant to Clause B.3.b.i of this Section or the renovation conducted in accordance with Clause B.3.b.ii of this Section as documented by signed statement(s) of no asbestos in construction;

d. a copy of the documentation submitted pursuant to Subparagraphs B.3.b and c of this Section shall inspection report must be submitted to the Office of Environmental Services within 90 days of the inspection; and

e. a copy of the documentation submitted pursuant to Subparagraphs B.3.b and c of this Section and department approval shall must be maintained at the building administrative office; and

e. ~~no asbestos containing material is added in renovations.~~

C. Scope

1. This regulation requires local education agencies and the state government to identify friable and nonfriable ~~asbestos-containing material (ACM)~~ in schools and state buildings by visually inspecting schools and state buildings for such materials, sampling such materials if they are not assumed to be ACM, and having samples analyzed by appropriate techniques referred to in this rule. The regulation requires local education agencies and the state government to submit management plans to the Office of Environmental Services ~~on or before~~

~~90 days after promulgation of this regulation, to begin to implement the plans 180 days after promulgation of this regulation, and to complete implementation of the plans in a timely fashion, at least 30 days prior to occupancy of any school or state building, and implement the plan within 180 days after occupancy.~~

2. ____ If an exemption is requested for a state building that contains no asbestos, an ~~inspection report~~ determination supporting that exemption ~~should~~ shall be submitted in accordance with ~~Clause~~ Subparagraph B.2.b or B.3.b.i of this Section.

3. ____ Management plans submitted to and approved by the Department of Environmental Quality ~~prior to the promulgation of this regulation~~ shall meet the inspection and assessment requirements of this Chapter.

4. ____ In addition, local education agencies and the state government are required to employ persons who have been accredited to conduct inspections, reinspections, develop management plans, or perform response actions including the design of those actions.

5. ____ The regulation also includes recordkeeping requirements.

6. ____ Local education agencies and the state government may contractually delegate their duties under this rule, but they remain responsible for the proper performance of those duties.

~~6~~7. ____ Local education agencies and the state government are encouraged to consult with the Office of Environmental Compliance of the Department of Environmental Quality for assistance in complying with this rule.

~~2.8.~~ Local education agencies and the state government ~~must~~shall provide for the transportation and disposal of asbestos in accordance with provisions of ~~Subchapter M. Asbestos, of LAC 33:III.Chapter 51.~~Subchapter M.

~~D. — Reserved.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:1056 (December 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:698 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2703. Definitions

A. The terms used in this Chapter are defined in LAC 33:III.111 and LAC 33:III.5151.B of these regulations with the exception of those terms specifically defined in this Section as follows.

Accredited or *Accreditation*—when referring to a person~~, or laboratory,~~ ~~the accreditation of such person or laboratory~~ by the Department of Environmental Quality under the provisions of LAC 33:III.2799-Appendix A—~~Agent Accreditation Plan~~ and when referring to a laboratory, accreditation under the provisions of LAC 33:I.Subpart 3.Chapters 45–59.

Asbestos-Containing Material (ACM)—when referring to schools or state buildings, any material or product which contains more than 1 percent asbestos. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), the asbestos content may be verified by point counting using PLM, or an equivalent EPA approved estimation technique, or assume the amount to be greater than 1 percent and treat the material as ACM.

Damaged Floor Covering that Contains ACM—resilient floor covering or the mastic used to attach it to the floor surface that contains ACM which has deteriorated or sustained physical impact such that the internal structure (cohesion) of the material is inadequate or, if applicable, which has delaminated such that its bond to the substrate (adhesion) is inadequate or which for any other reason lacks fiber cohesion or adhesion qualities. Such damage or deterioration may be illustrated by the separation of ACM into layers; separation of ACM from the substrate; flaking, blistering or crumbling of the ACM surface; water damage; significant or repeated water stains; scrapes, gouges, or mars; or other signs of physical impact on the ACM. Asbestos debris originating from the ACBM in question may also indicate damage.

Facility Component—any part of a facility, including equipment, that is under the control of a local education agency or the state.

Guest Instructor—an individual with expertise in a specific non-asbestos field who is designated by the RATP or principal trainer to provide instruction specific to certain course topics (i.e., law, medicine, etc.).

Inspection—any activity undertaken in a school building, or a state building, to determine the presence or location, or to assess the condition of, friable or nonfriable asbestos-containing material (ACBM), whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of friable and nonfriable known or assumed ACBM which has been previously identified. The term does not include the following:

a. – b. ...

c. visual inspections of the type described in LAC 33:III.2717.H

solely for the purpose of determining completion of response actions.

Local Education Agency—

a. a public board of education or other authority legally constituted within Louisiana for either administrative control or direction of, or to perform a service function for, public or private; profit or nonprofit; day, night, or residential schools; elementary or secondary schools, colleges, graduate, medical, dental, or post-graduate education institutions;

b. the governing authority of any elementary or secondary school, college, or post-graduate education institution.

Operations and Maintenance Program (O and M)—a program of work practices to maintain friable ~~ACBM~~-regulated ACM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ~~ACBM~~ disturbance or damage of regulated ACM.

Principal Trainer—the trainers recognized by the department and identified by the RATP in its application for recognition to provide instruction in asbestos training courses (e.g., inspector, etc.).

Recognized Asbestos Training Provider (RATP)—a person or organization recognized by the department, to provide training in asbestos activities in Louisiana.

Regulated Asbestos-Containing Material (RACM)—

- a. friable asbestos material, including damaged or significantly damaged friable surfacing or miscellaneous ACM;
- b. Category I and II nonfriable ACM that has become friable;
- c. Category I and II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, grinded, sanded, cut, abraded, or reduced to powder by the forces that have acted or are expected to act on the material in the course of demolition or renovation operations,
- d. resilient floor covering or the mastic used to attach it to the floor surface that is scraped, sanded, abraded, bead blasted, cut, ground, crumbled, pulverized, or

reduced to powder by any means, including hand and mechanical equipment. This definition does not include resilient floor covering removed by using dry ice, heat, wet methods, and chemicals where the tiles or sheeting are removed intact (minor tears or minor breakage is acceptable where, for all intents and purposes, the flooring is considered whole); and

e. damaged or significantly damaged thermal system insulation

ACM.

Related Scientific Field—animal science, biological sciences, chemistry, geosciences, atmospheric sciences, soil sciences, physical geography, physics, health sciences, toxicology, environmental sciences, wildlife and fisheries sciences, engineering, nuclear science, agronomy, forestry, health physics, medical physics, or statistics and quantitative methods.

Response Action—a ~~planned and dated~~ method, including removal, encapsulation, enclosure, repair, operations, and maintenance, that protects human health and the environment from friable ACM-regulated ACM.

Responsible Official—

a. for a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation,

b. for a partnership or sole proprietorship: a general partner or the proprietor, respectively. If a general partner is a corporation, the provisions of Subparagraph a of this definition apply; or

c. for a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this definition, a principal executive officer of a federal agency includes the chief executive officer having a responsibility for the overall operations of a principal geographic unit of the agency.

School—any profit or nonprofit; public or private; day, night, or residential school that provides elementary, including Head Start and pre-K programs located on elementary school campuses, secondary, college, graduate, medical, dental, or post-graduate education, as determined under state law, or any school of any agency of the United States. Schools do not include locations where the primary purpose is not the education of students, but that provide for internships or other on the job training.

School Building—

a. – e. ...

f. any exterior structure, portico or covered exterior hallway or walkway and any exterior portion of a mechanical system used to condition interior space.

Significantly Damaged Floor Covering that Contains ACM—damaged floor covering that contains ACM where the damage is extensive and severe.

Small-Scale, Short-Duration Activities (SSSD)—tasks that ~~involve~~disturb less than or equal to 3 square feet or 3 linear feet of pipe asbestos-containing material ACM.

State Building—a building, or portion thereof, owned, used, or leased by the state of Louisiana. If the state does not own, lease, occupy, or use the entire building, the state building shall be only:

a. that portion of the building, owned, leased, occupied, or used by the state;

b. facility components as defined in LAC 33:III.2703;

c. work areas, kitchens, restrooms, and other common areas that are co-owned, leased, or used by the state together with others; and

d. any other portion of the building that shares a common heating, ventilation, and air conditioning (HVAC) system or common ingress/egress points with that portion of the building owned, leased, occupied or used by the state.

State Government—the state of Louisiana and any state agency as defined in La. R.S. 13:5102 that owns, leases, occupies, or uses the state building.

State of Louisiana or State—the state of Louisiana or any state agency as defined in La. R.S. 13:5102.

Statement(s) of No Asbestos in Construction—

a. a signed written statement, by an architect, project engineer, or other principal responsible for the construction or renovation of the building, or a portion thereof, that no ACM was specified as a building material in the applicable construction documents for the building, or portion thereof (multiple signatures may be necessary to address the entire building);

or

b. a signed written statement by an accredited asbestos inspector who has conducted a thorough review of documents related to the construction or renovation of the building that no ACM was specified as a building material in the construction documents for the building, including all subsequent additions or renovations.

* * *

Training Hour—at least 50 minutes of actual teaching including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

Training Manager—the individual responsible for administering a training program and monitoring the performance of the principal trainers and guest instructors; either serves as the signatory for training certificates or may designate other responsible individuals in the organization, or trainers as signatories.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2705. General Local Education Agency, State, or Local Government Responsibilities

A. – A.7. ...

8. ensure that the person designated under Paragraph A.7 of this Section receives training from an asbestos trainer recognized by the department, or other instructor qualified to provide training to perform duties assigned under this Section. Such training shall provide, as necessary, basic knowledge of:

8.a. – 9. ...

B. The requirements of this Chapter in no way supersede the worker protection and work practice requirements under 29 CFR 1910.1001 (Occupational Safety and Health Administration [OSHA] asbestos worker protection standards for general industry), 1926.1101 (OSHA asbestos worker protection standards for construction), 40 CFR Part 763, Subpart G (EPA asbestos worker protection standards for public employees), LAC 33:III.2799.Appendix A, and LAC 33:III.Chapter 51.Subchapter M.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2707. Inspection and Reinspections

A. Inspection

1. Except as provided in LAC 33:III.2701.B.2 and 3, and LAC 33:III.2735~~Paragraph A.2 of this Section~~, each local education agency ~~agencies~~ and the state government shall inspect each school or state building that they lease, own, occupy, or ~~otherwise use as a school or state building~~ to identify all locations of friable and nonfriable ACBM ~~before the deadline~~ as specified in this Section and LAC 33:III.2701.C.1.

2. Any building leased or acquired ~~on or after promulgation of this regulation~~ that is to be used as a school or state building shall be inspected as described under Paragraphs A.3, and 4, and 5 ~~and 4, and 5~~ of this Section prior to use as a school or state building.

3. In the event that emergency use of an uninspected building as a school or state building is necessitated, such buildings shall be inspected within 30 days after the decision to use them.

34. Each inspection shall be made by an accredited inspector.

45. For each area of a school or state building, except as excluded under LAC 33:III.2735, each person performing an inspection shall:

- a. visually inspect the area to identify the locations of all suspected ACBM;
- b. touch all suspected ACBM to determine whether it is friable;

c. identify all homogeneous areas of friable suspected ACBM and all homogeneous areas of nonfriable suspected ACBM;

d. assume that some or all of the homogeneous areas are ACM, and for each homogeneous area that is not assumed to be ACM, collect and submit for analysis bulk samples under LAC 33:III.2709 and 2711;

e. assess, under LAC 33:III.2713, friable material in areas where samples are collected, friable material in areas that are assumed to be ACBM, and friable ACBM identified during a previous inspection; and

f. ~~record the following~~ prepare a report that includes the necessary information and submit to the person designated under LAC 33:III.2705 a copy of such ~~report~~ record for inclusion in the management plan within 30 days of the inspection. The report shall include:

i. ~~an inspection report with~~ the date of the inspection signed by each accredited person making the inspection, and a copy of each inspector's accreditation certificate current at the time of inspection;

ii. an inventory of the locations of the homogeneous areas where samples ~~are~~ were collected, exact locations where each bulk sample is collected, dates that samples are collected, homogeneous areas where friable suspected ACBM is assumed to be ACM, and homogeneous areas where nonfriable suspected ACBM is assumed to be ACM;

iii. a description of the manner used to determine sampling locations, and the name and signature of each accredited inspector who collected the samples and

a copy of the inspector's accreditation certificate current at the time of inspection~~their inspector accreditation numbers;~~

iv. a list of whether the homogeneous areas identified under Subparagraph A.45.d of this Section are surfacing material, thermal system insulation, or miscellaneous material; and

v. assessments made of friable material pursuant to Subparagraph A.5.e of this Section, the names and signatures of all accredited inspectors making the assessment, and a copy of the inspector's accreditation certificate current at the time of inspection~~their inspector accreditation numbers.~~

B. Reinspection

1. At least once every three years after a management plan is in effect, each local education agency shall conduct a reinspection of all friable and nonfriable known or assumed ACBM in each school building that they lease, own, or otherwise use for Head Start, Pre-K programs, elementary, or secondary education.

1.a. – 3.g. ...

h. record the following and submit to the person designated under LAC 33:III.2705 a copy of such record for inclusion in the management plan within 30 days of the reinspection:

i. the date of the reinspection, the name and signature of the person making the reinspection, ~~state of accreditation, his or her accreditation number,~~ a copy of

his or her accreditation certificate current at the time of the reinspection, and any changes in the condition of known or assumed ACBM;

ii. the exact locations where samples are collected during the reinspection, a description of the manner used to choose sampling locations, the name and signature of each accredited inspector who collected the samples, ~~and his or her accreditation number~~; a copy of the accreditation certificate current at the time of the reinspection; and

iii. any assessments or reassessments made of friable material, the name and signature of the accredited inspector making the assessments, ~~and his or her accreditation number~~ and a copy of accreditation certificate current at the time of assessment or reassessment.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1222 (August 2001), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2711. Analysis

A. Local education agencies and the state government shall have bulk samples, collected under LAC 33:III.2709, and air samples collected under LAC 33:III.2717, and submitted for analysis, analyzed for asbestos using laboratories accredited ~~by the National Institute for Standards Technology (NIST) or another U.S. EPA approved accrediting authority~~ under the provisions of LAC 33:I.Subpart 3.Chapters 45-59.

B. Bulk samples shall not be composited for analysis and shall be analyzed for asbestos content by polarized light microscopy (PLM), using the "Interim Method for the Determination of Asbestos in Bulk ~~Building Materials~~ Insulation Samples," found at 40 CFR Part 763 Subpart E, Appendix E. ~~(EPA/600/R-93/116).~~

C. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended LR 22:699 (August 1996), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2713. Assessment

A. The local education agency or state government shall have an accredited inspector provide the following.

1. ...

2. Each accredited inspector providing a written assessment shall sign and date the assessment, include note his or her state of accreditation and accreditation number, ~~a~~ copy of his or her accreditation certificate current at the time of assessment and submit a copy of the assessment to the person designated under LAC 33:III.2705 for inclusion in the management plan within 30 days of the assessment.

B. – C.6. ...

D. The local education agency or the state government shall select a person accredited to develop management plans to review the results of each inspection, reinspection, and assessment for the school or state building and to conduct any other necessary activities in order to recommend in writing to the local education agency or the state government appropriate response actions. The accredited person shall sign and date the recommendation, provide a copy of his or her accreditation number, accreditation certificate current at the time of management plan development or other action, and submit a copy of the recommendation to the person designated under LAC 33:III.2705.A.7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2717. Response Actions

A. The local education agency or the state government shall select and implement in a timely manner the appropriate response actions in this Section consistent with the assessment conducted in LAC 33:III.2713. The response actions selected shall be sufficient to protect human health and the environment. The local education agency or the state government may then select, from the response actions which protect human health and the environment, that action which is the least burdensome method. Nothing in this Section shall be construed to prohibit removal of ACBM from a school or state building at any time, should removal be the preferred response action of the local education agency or the state government. If any damaged or significantly damaged thermal system insulation, friable surfacing ACM or miscellaneous ACM is present, the local education agency or the state government shall:

1. immediately isolate the area with the damaged or significantly damaged thermal system insulation, and restrict access to protect human health and the environment until the response action is completed; and

2. perform any response actions in accordance with appropriate requirements as provided in LAC 33:III.5151.

B. If damaged or significantly damaged thermal system insulation ACM is present in a building, the local education agency or the state government shall:

1. ~~at least~~ repair the damaged area;

2. remove the damaged material if it is not feasible, due to technological factors, to repair the damage; and

3. maintain all thermal system insulation ACM and its covering in an intact state and undamaged condition.

C. Selection of Response Action for Damaged ACM

1. If damaged friable surfacing ACM or damaged friable miscellaneous ACM or damaged floor covering that contains ACM is present in a school or state building, the local education agency, or the state government shall select from among the following response actions: encapsulation, enclosure, removal, or repair of the damaged material.

2. In selecting the response action from among those ~~which~~that meet the ~~definitional standards~~ in LAC 33:III.2703 and, the local education agency or the state government shall determine which of these response actions protects human health and the

environment. For purposes of determining which of these response actions are the least burdensome, the local education agency or the state government may then consider local circumstances, including occupancy and use patterns within the school or state building, and its economic concerns, including short- and long-term costs.

D. Selection of Response Action for Significantly Damaged ACM

1. If significantly damaged friable surfacing ACM or significantly damaged friable miscellaneous ACM or significantly damaged floor coverings as defined in LAC 33:III.2703.A that contain ACM is present in a school or state building, the local education agency or the state government shall:

~~1. immediately isolate the functional space and restrict access, unless isolation is not necessary to protect human health and the environment; and~~

~~2. remove the material in the functional space, or, depending upon whether enclosure or encapsulation would be sufficient to protect human health and the environment, enclose or encapsulate.~~

E. If any friable surfacing ACM, thermal system insulation ACM, ~~or~~ friable miscellaneous ACM, or floor coverings that contain ACM that has potential for damage is present in a building, the local education agency or the state government shall at least implement an operations and maintenance (O and M) program, as described under LAC 33:III.2719.

F. If any friable surfacing ACM, thermal system insulation ACM, ~~or~~ friable miscellaneous ACM, or any floor covering that contains ACM that has potential for significant damage is present in a building, the local education agency or the state government shall:

1. – 3. ...

G. A response action related to removal of floor coverings that contain ACM in a school or state building shall follow the requirements of this Section and those requirements related to renovations in LAC 33:III.5151.F. and J.

~~G~~H. Response actions including removal, encapsulation, enclosure, or repair, other than ~~small-scale, short-duration~~ SSSD repairs, shall be designed and conducted by persons accredited to design and conduct response actions.

~~H~~I. Local education agencies and the state government shall comply with either the OSHA Asbestos Worker Protection for General Industry at 29 CFR 1910.1001 or the Asbestos Construction Standard at 29 CFR 1926.1101, whichever is applicable. ~~The requirements of this Chapter in no way supersede the worker protection and work practice requirements under 29 CFR 1926.58 (Occupational Safety and Health Administration [OSHA] asbestos worker protection standards for construction), 40 CFR 763, Subpart G (EPA asbestos worker protection standards for public employees), LAC 33:III.2799.Appendix A, and LAC 33:III.Chapter 51.Subchapter M.~~

~~I~~J. Completion of Response Actions

1. At the conclusion of any action to remove, encapsulate, or enclose ACBM or material assumed to be ACBM, a person designated by the local education agency or the state government, shall visually inspect each functional space where such action was conducted to determine whether the action has been properly completed.

2. The following requirements apply to collection and analysis of air samples.

a. A person designated by the local education agency or the state government shall collect air samples using aggressive sampling as described in EPA regulations contained in 40 CFR Part 763, Subpart E, Appendix A of 52 FR, pp. 41857 to 41894, October 30, 1987, to monitor air for clearance after each removal, encapsulation, and enclosure project involving ACBM, except for ~~small-scale, short-duration~~ SSSD projects.

b. Local education agencies and the state government shall have air samples collected under this Section analyzed for asbestos using laboratories accredited by the ~~National Institute for Standards Technology~~ Department of Environmental Quality according to LAC 33:I.Subpart 3.Chapters 45-59, to conduct such analysis using phase contrast microscopy (PCM) and transmission electron microscopy (TEM) equipped with an energy dispersive X-ray analysis system or, under circumstances permitted in this Section, ~~laboratories enrolled in the American Industrial Hygiene Association Proficiency Analytical Testing Program for phase contrast microscopy (PCM)~~.

3. Except as provided in Paragraph ~~4~~, 4, 5, or 5 of this Section, an action to remove, encapsulate, or enclose ACBM shall be considered complete when the average

concentration of asbestos of five air samples collected within the affected functional space and analyzed by the TEM method contained in EPA regulations 40 CFR Part 763, Subpart E, Appendix A of 52 FR, pp. 41857 to 41894, October 30, 1987, is not statistically significantly different, as determined by the Z-test calculation found in EPA regulations 40 CFR Part 763, Subpart E, Appendix A of 52 FR, pp. 41857 to 41894, October 30, 1987, from the average asbestos concentration of five air samples collected at the same time outside the affected functional space and analyzed in the same manner, and the average asbestos concentration of the three field blanks described in EPA regulations, 40 CFR Part 763, Subpart E, Appendix A of 52 FR, pp. 41857 to 41894, October 30, 1987, is below the filter background level of 70 structures per square millimeter (70 s/mm^2).

4. An action may also be considered complete if the volume of air drawn for each of the five samples collected within the affected functional space is equal to or greater than 1,199 L of air for a 25-mm filter or equal to or greater than 2,799 L of air for a 37-mm filter, and the average concentration of asbestos as analyzed by the TEM method in EPA regulations, 40 CFR Part 763, Subpart E, Appendix A of 52 FR, pp. 41857 to 41894, October 30, 1987, for the five air samples does not exceed the filter background level of 70 structures per square millimeter (70 s/mm^2). If the average concentration of asbestos of the five air samples within the affected functional space exceeds 70 s/mm^2 , or if the volume of air in each of the samples is less than 1,199 L of air for a 25-mm filter or less than 2,799 L of air for a 37-mm filter, the action shall be considered complete only when the requirements of Paragraph H.3 or 5 of this Section are met.

5. At any time, a local education agency or the state government may analyze air monitoring samples collected for clearance purposes by phase contrast microscopy (PCM) to confirm completion of removal, encapsulation, or enclosure of ACBM that is greater than ~~small-scale, short-duration~~ SSSD and less than or equal to 160 square feet or 260 linear feet. The action shall be considered complete when the results of samples collected in the affected functional space and analyzed by PCM using the National Institute for Occupational Safety and Health (NIOSH) Method 7400 entitled "Fibers" published in the NIOSH Manual of Analytical Methods, 3rd Edition, Second Supplement, August 1987, show that the concentration of fibers for each of the five samples is less than or equal to a limit of quantitation for PCM (0.01 fibers per cubic centimeter [0.01 f/cm³] of air). A description of the method is available at the Office of the Federal Register Information Center, ~~11th and L St., NW., Room 8401, Washington, DC, 20408, and the EPA OPTS Reading Room, Rm. G004 Northeast Mall, 401 M St., SW., Washington, DC 20460.~~ The method is incorporated as it exists on the effective date of this rule, and a notice of any change to the method will be published in the *Louisiana Register*.

6. To determine the amount of ACBM affected under Paragraph IJ.5 of this Section, the local education agency or the state government shall add the total square or linear footage of ACBM within the containment barriers used to isolate the functional space for the action to remove, encapsulate, or enclose the ACBM. Contiguous portions of material subject to such action conducted concurrently or at approximately the same time within the same school or state building shall not be separated to qualify under Paragraph IJ.5 of this Section.

7. In the case of a demolition of a school or state building where occupants will not reenter the building, clearance sampling is not required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2719. Operations and Maintenance

A. Applicability. The local education agency or the state government shall implement and maintain an operations, maintenance, and repair (O and M) program under this Section whenever any friable ACBM is present or assumed to be present in a building that it leases, owns, or otherwise uses as a school or state building. Any material identified as nonfriable ACBM or nonfriable assumed ACBM ~~must~~shall be treated as friable ACBM for the purposes of this Section when the material is about to become friable as a result of activities performed in the school or state building.

B. Worker Protection. Local education agencies and the state government shall comply with either the OSHA asbestos worker protection for general industry at 29 CFR 1910.1001 or the asbestos construction standard at 29 CFR 1926.1101, whichever is applicable. ~~The protection provided by the agencies listed in LAC 33:III.2717.H for workers during asbestos abatement projects is extended to employees of local education agencies and the state government who perform operations, maintenance, and repair (O and M) activities involving ACM and who are not covered by the OSHA asbestos construction standard at 29 CFR 1926.58, or an asbestos worker approved by OSHA under Section 19 of the Occupational Safety and Health Act.~~ Local education agencies and the state government may consult EPA regulations contained in 40 CFR 763, Subpart E Appendix B of 52 FR, pp. 41894 to 41897 if their

employees are performing small-scale operations, maintenance, and repair activities of short-duration.

C. – D.5. ...

6. Place the asbestos debris and other cleaning materials in sealed, clear, leak-tight containers properly labeled as may be required by LAC 33:III.5151.F.

E. ...

F. Fiber Release Episodes

1. – 1.b. ...

c. Place the asbestos debris in a sealed, leak-tight container properly labeled as may be required by LAC 33:III.5151.F.

1.d. – 2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), LR 30:1672 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2444 (October 2005), LR 33:2090 (October 2007), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2721. Training and Periodic Surveillance

A. – A.2.b. ...

c. the provisions of this Section and LAC 33:III.2717, LAC 33:III.2799.Appendix A, regulations contained in LAC 33:III.Chapter 51.Subchapter M, EPA regulations contained in 40 CFR 763, Subpart G, and OSHA regulations contained in ~~29 CFR 1926.58~~ 29 CFR 1926.1101; and

2.d. – 4. ...

B. Periodic Surveillance

1. At least once every six months after a management plan is in effect, each local education agency or the state government shall conduct periodic surveillance in each building that it leases, owns, or ~~otherwise~~ uses as a school or state building that contains ACBM or is assumed to contain ACBM.

2. – 2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1222 (August 2001), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2723. Management Plans

A. Local education agencies or the state government shall submit Form AAC-8 concerning develop-management plans for the following buildings. Local education agencies and the state government are exempt from the requirement to develop and submit a management plan in connection with Form AAC-8 if there has been a determination that there is no asbestos present in the building in accordance with LAC 33:III.2735.A.3, 4, 6, and 7.

1. Each local education agency or the state government shall develop an asbestos management plan for each school, including all buildings that are leased, owned, or ~~otherwise~~ used as school or state buildings, and submit the plan to the Office of Environmental Services. After June 20, 1994, the original submittal of each plan must include shall be submitted at least 30 days prior to its use as a school or state building using the Form AAC-8, Required Elements for Asbestos Management Plans (latest revised form can be obtained from the Office of Environmental Services or through the department's website. The plan may be submitted in stages, if applicable that cover portions of the school or state building under the authority of the local education agency or the state government ~~before the deadline as~~ specified in LAC 33:III.2701.C.1.

2. If a building to be used as part of a school or ~~state building~~ is leased or ~~otherwise acquired more than 90 days after promulgation of this regulation~~, the local education agency ~~or the state government~~ shall include the ~~new~~ additional building in the management plan for the school ~~or state building~~ prior to its use as a school ~~or state building~~. The revised portions of the management plan shall be submitted to the Office of Environmental Services.

3. If a local education agency or the state government begins to use a building as a school or state building more than 90 days after promulgation of this regulation, the local education agency or the state government shall submit a management plan for the school or state building to the Office of Environmental Services prior to its use as a school or state building. Each plan developed or modified after June 20, 1994, ~~must~~ shall include Form AAC-8, Required Elements for Management Plans.

B. Each local education agency or the state government ~~must begin implementation of~~shall implement its management plan ~~on or before~~within 180 days after occupancy.
~~promulgation of this regulation, and complete implementation in a timely fashion.~~

C. Each local education agency or the state government shall maintain and update its management plan to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, reinspection, and response action activities. All provisions required to be included in the management plan under this Section shall be retained as part of the management plan, (by either hard copy, or as an electronic file), as well as any information that has been revised to bring the plan up-to-date.

D. The management plan shall be developed by ~~an accredited~~a management planner accredited by the department at the time the work was performed, and shall include the following.

1. – 2.e. ...

3. The following shall be included for each inspection and reinspection conducted under LAC 33:III.2707:

a. the date of the inspection or reinspection, ~~and~~ the name and signature, ~~state of accreditation, and the accreditation number~~and a copy of the accreditation certificate current at the time of inspection of each accredited inspector performing the inspection or reinspection;

b. ...

c. a description of the manner used to determine sampling locations, and the name and signature of each accredited inspector collecting samples, ~~and his or her accreditation number~~ and a copy of the accreditation certificate current at the time of inspection;

d. a copy of the analyses of any bulk samples collected and analyzed, the name and address of any laboratory that analyzed bulk samples, a statement that the laboratory meets the applicable requirements of LAC 33:III.2711.A, the date of analysis, ~~and the name and signature of the person performing the analysis,~~ and a copy of the laboratory accreditation certificate; and

e. a description of assessments, required under LAC 33:III.2713, of all ACBM and suspected ACBM assumed to be ACM, and the name, signature, ~~and accreditation number~~ and a copy of the accreditation certificate current at the time of inspection of each accredited person making the assessments.

4. The name, address, and telephone number of the person designated under LAC 33:III.2705 to ensure that the duties of the local education agency are carried out, ~~and the identity and qualifications of the person providing the training to the person designated~~ course name, a description of and documentation of the training provided, and dates and training hours ~~of training~~ taken by that person to carry out the duties shall be included.

5. The recommendations made to the local education agency regarding response actions under LAC 33:III.2713.D, and the name, and signature of each person making the recommendations, ~~and his or her accreditation number~~ and a copy of the accreditation certificate current at the time shall be included.

6. ...

7. With respect to the person or persons who inspected for ACBM and who will design or carry out response actions, except for operations and maintenance, with respect to the ACBM, a statement that the person(s) is accredited under the provisions in LAC 33:III.2799.Appendix A and a copy of the accreditation certificate current at the time ~~must~~shall be included.

8. A detailed description in the form of a blueprint, diagram, or in writing of any ACBM or suspected ACBM assumed to be ACM that remains in the school or state building once response actions are undertaken pursuant to LAC 33:III.2717 ~~must~~shall be included. This description shall be updated as response actions are completed.

D.9. – F.3. ...

4. Upon submission of its management plan and at least once each year, the local education agency or the state government shall provide notice to ~~notify, in writing,~~ parents, teachers, and employees ~~organizations~~ of the availability of management plans by one or more of the following: letter, e-mail, text message, or website post. ~~The management plan and~~ shall include ~~in the management plan~~ a description of the steps taken to provide notice ~~notify such organizations~~ and a dated copy of the notification. ~~In the absence of any such organizations for parents, teachers, or employees, the local education agency or the state government shall provide written notice to that relevant group of the availability of management plans and shall include in the management plan a description of the steps taken to notify such groups and a dated copy of the notification.~~

G. – H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2457 (November 2000), amended by the Office of Environmental Assessment, LR 30:2021 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2444 (October 2005), LR 33:2090 (October 2007), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2725. Recordkeeping

A. Records required under this Section shall be maintained in a centralized location in the administrative office of the school, state building, local education agency, or state government as part of the management plan. The records may be kept in hard copy or electronic format providing all necessary information and documentation (e.g., signature) is included. For each homogeneous area where all ACBM has been removed, the local education agency or the state government shall ensure that such records are retained for three years after the next reinspection required under LAC 33:III.2707.B.1, or for an equivalent period.

B. For each preventive measure and response action taken for friable and nonfriable ACBM and friable and nonfriable suspected ACBM assumed to be ACM, the local education agency or the state government shall provide:

1. a detailed written description of the measure or action, including methods used, the location where the measure or action was taken, reasons for selecting the measure or action, start and completion dates of the work, names and addresses of all contractors involved,

accreditation numbers of contractors at the time of the action, and if ACBM is removed, the name and location of the storage or disposal site of the ACM; and

2. the name and signature of any person collecting any air sample required to be collected at the completion of certain response actions specified by LAC 33:III.2717.H, the locations where samples were collected, date of collection, the name and address of the laboratory analyzing the samples, the date of analysis, the results of the analysis, the method of analysis, the name and signature of the person performing the analysis, and a statement that the laboratory meets the applicable requirements of LAC 33:III.2717.H.2.b, and a copy of the laboratory accreditation certificate.

C. – H. ...

I. For the person designated under LAC 33:III.2705.A.7, the local education agency or state government shall provide the person's name, job title, the date training was received, the name and qualifications of the person providing the training to the designated person ~~of the training organization that conducted the training~~, a description and documentation of the training provided ~~a certificate of training~~.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2735. Exclusions

A. – A.6. ...

7. An architect or project engineer responsible for the construction of a new school building built after October 12, 1988, or an accredited inspector signs a statement that no ACBM was specified as a building material in any construction document for the building or, to the best of his or her knowledge, no ACBM was used as a building material in the building. The local education agency ~~or the state government~~ shall submit a copy of the signed statement of the architect, project engineer, or accredited inspector to the Office of Environmental Services and ~~shall include the statement~~ complete applicable portions of Form AAC-8 (pages 1, 4, and 5) to serve as in that portion of the management plan for that school ~~or state building~~.

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2457 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2444 (October 2005), LR 33:2090 (October 2007), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2739. Agent Accreditation

A. – B.2. ...

3. Workers who are engaged in maintenance that disturbs more than 3 square or linear feet of ACBM which does involve its actual removal, enclosure, repair, or encapsulation shall receive their initial and refresher training from a training ~~organization~~ provider recognized by the Department of Environmental Quality. This training ~~should~~ shall be in accordance with the asbestos abatement worker course as described in LAC 33:III.2799.Appendix A, Paragraph

AB.5, Initial Training and Subsection D, Refresher Training Courses. Workers who participate in the type of project described in this Paragraph ~~must~~shall be accredited in accordance with LAC 33:III.2799.Appendix A and ~~must~~shall work under the close direction of an accredited supervisor during any work they perform.

4. Supervisors who are directing workers who may disturb ACM shall receive their initial and refresher training in accordance with LAC 33:III.2799.Appendix A, Paragraph AB.4, and Subsection D, Refresher Training Courses from a training ~~organization~~ provider recognized by the Department of Environmental Quality. Supervisors who participate in the type of project referenced in this Paragraph are responsible for ensuring that:

4.a. – 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:397 (May 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2457 (November 2000), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2741. Recognized Asbestos Training Providers (RATP) and Principal Trainers

A. The recognized asbestos training providers (RATP) as defined in LAC 33:III.2703.A and its principal trainers shall comply with and direct others to comply with LAC 33:III.Chapters 27 and 51, and other applicable federal, state, and local regulations.

B. Asbestos Training Course Requirements. The courses conducted by the RATP and its principal trainers shall meet the following requirements:

1. Training courses shall:

a. meet the requirements of LAC 33:III.2799. Appendix A and TSCA

Title II; and

b. be directed to the training materials and be conducted in a professional manner.

2. Initial training courses shall:

a. include a minimum of two training hours of instruction as provided in LAC 33:III.Chapters 27 and 51; and

b. be taught according to the criteria and length of time as specified in LAC 33:III.2799.Appendix A.Subsection A.

3. Refresher training courses shall be taught according to the criteria and length of time as specified in LAC 33:III.2799.Appendix D.

4. Principal Trainers. The principal trainer shall not be a student in the course.

5. Training in a Foreign Language.

a. The training materials used shall be written in the language used for teaching the class.

b. The principal trainer shall be fluent in the language in which the class is being taught to the students.

c. Each student taking the class shall be fluent in the language used by the principal trainer.

6. Training Facility. The instruction room shall be housed in a commercial or industrial type setting.

a. The room shall be set up in classroom style setting with an instruction board for the principal trainer to write on, seats, and flat writing surfaces for the students.

b. The size of the room shall be adequate for instruction, including presentation equipment and hands on training.

7. The principal trainers may utilize guest instructors.

8. Training Materials

a. Audio-visual methods, such as the use of overheads, slides, and projectors may be used as supplemental training materials.

b. The training materials shall be applicable to the class being taught and include the latest version of the course materials submitted to the department with the initial or renewal application.

c. The training materials shall include the most current versions of the DEQ forms posted on the department's website.

9. Each student shall be provided with a face photo to attach to his or her application for accreditation.

10. Training Audits

a. Training course providers and principal trainers shall permit representatives of EPA or the department to attend, evaluate, and monitor any training course without charge.

b. Unannounced audits may be conducted by the department to ensure compliance with federal and state requirements for specific training courses.

C. Training Completion Certificates

1. Unique sequentially-numbered certificates shall be issued to students who successfully pass the training course. The certificate shall include:

a. student's name;

b. form of photo identification and associated number, (e.g., driver's license or state identification card);

c. the course completed and whether it is initial or refresher training;

d. dates of the training course and the examination;

e. expiration date for training that is one year after the date on which the student completed the course,

f. language in which the course was taught;

g. original signature of the principal trainer(s);

h. the name, address, and telephone number of the RATP;

i. the discipline for which training was received; and

j. a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation as required under this LAC 33:III.2799.Appendix A and the TSCA Title II.

2. RATP who provide refresher training shall provide training completion certificates in accordance with Subparagraph C.1.a-j of this Section, except the examination date may be omitted.

D. Recordkeeping Requirements of RATP. All RATP shall comply with the following minimum recordkeeping requirements.

1. Training Course Materials. A RATP shall retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, principal trainer notebooks, and handouts.

2. Principal Trainer Qualifications. A RATP shall retain copies of all principal trainers' résumés, and the documents approving each principal trainer issued by the

department in advance whenever it changes course principal trainers. Records shall accurately identify the principal trainers who taught each particular training course for each date that a course is offered.

3. Examinations. A RATP shall document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records shall clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course shall correspond to those listed on that person's accreditation certificate.

4. Training Certificates. The RATPs shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The RATP shall maintain the records in a manner that allows verification by telephone of the required information.

5. The RATP shall maintain all required records for a minimum of three years. The RATP, however, may retain these records for a longer period of time.

6. The RATP shall allow reasonable access to all of the records required by LAC 33:III.2799. Appendix A, and to any other records which may be required for the approval of asbestos RATPs or the accreditation of asbestos training courses to both EPA and to state agencies on request.

7. If a RATP ceases to conduct training, the RATP shall notify DEQ and give the department the opportunity to take possession of the provider's asbestos training records.

E. RATP Notifications

1. The RATP shall notify the Office of Environmental Services of any change in status of the training organization, (e.g., pending fines, notices of violation, changes in principal trainer status, etc.).

2. The RATP shall notify the Office of Environmental Services of the courses that will be taught, including where, when, and who will conduct the class.

a. The course notification shall include the address of all of the physical locations where the training will be held and the dates for each location.

b. The course notification form shall include the name of each principal trainer for each training course.

c. The course notification shall be received in writing, fax, via email, or other methods of submittal approved by the Office of Environmental Services at least five working days prior to class commencement, or one working day prior to class commencement, if only the Louisiana regulations course will be taught.

3. Notification of cancellation of classes, rescheduling, or amendment of notification shall:

a. be received in writing, fax, via email, or other methods of submittal approved by the Office of Environmental Services one day before the class should have commenced; and

b. indicate the date and time of the course that is being cancelled, rescheduled or amended.

c. Rescheduled classes or amended notifications shall also indicate the changes that are being requested. This includes, but is not limited to day, time, locations, principal trainer, etc.

4. Within five working days of the completion of a class, the following shall be received by the Office of Environmental Services in a format approved by the department:

a. a complete roster of trainees and each principal trainer participating in the course;

b. a class photograph with a legible name on the back or at the bottom identifying each student and principal trainer;

c. each student's official identification number (e.g., driver's license, state identification card, or passport);

d. a 1" x 1 1/4" photograph of the face (front view) of each student;

e. the name of each principal trainer who taught the class; and

f. each student's examination grades.

i. If a student fails an initial exam, the roster shall include the word “failed” adjacent to the name on the roster.

ii. If a student retakes a previously failed exam, a separate notification shall be received by the Office of Environmental Services within five working days of the exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 39:**.

§2799. Appendix A—Agent Accreditation Plan

Appendix A—Agent Accreditation Plan

A. Purpose. Training requirements for purposes of accreditation are specified in both terms of required subjects of instruction and in terms of length of training. The duration of initial and refresher training courses is specified in numbers of days. A day of training equals eight consecutive training hours, including breaks and lunch. Course instruction shall be provided through DEQ RATPs. The training requirements that follow are for the training of persons required to have accreditation under the Toxic Substances Control Act (TSCA) Title II and LAC 33:III.2739.

1. In several instances, initial training courses for a specific discipline (e.g., workers, inspectors) require hands-on training. For asbestos abatement supervisors and workers, hands-on training should shall include working with asbestos-substitute materials, fitting and using respirators, use of glove-bags, donning protective clothing, constructing a decontamination unit, as well as other abatement work activities. Hands-on training must shall permit all

supervisors and workers to have actual experience performing tasks associated with asbestos abatement. For inspectors, hands-on training ~~should~~shall include conducting a simulated building walk-through inspection and respirator fit testing.

2. ____ Training requirements for each of the five accredited disciplines are outlined below. Persons in each discipline perform a different job function and distinct role. Inspectors identify and assess the condition of ACBM, or suspect ACBM. Management planners use data gathered by inspectors to assess the degree of hazard posed by ACBM in schools to determine the scope and timing of appropriate response actions needed for schools. Project designers determine how asbestos abatement work should be conducted. Lastly, workers and contractor/supervisors carry out and oversee abatement work. Each accredited discipline and training curriculum is separate and distinct from the others. A person seeking accreditation in any of the five accredited MAP disciplines cannot attend two or more courses concurrently, but may attend such courses sequentially. All courses, both initial and refresher, shall be completed within 14 days of the commencement of the course.

AB. Initial Training. The following are the initial training course requirements for persons required to have accreditation under LAC 33:III.273999-Appendix A, and Paragraph EF.1 of this Section.

1. Inspectors. All persons who inspect for ACBM ~~in schools and state buildings~~ shall be trained in accordance with this Section and must be accredited by the department. All persons seeking accreditation as inspectors shall complete a three-day training course as outlined below. The three-day program shall include lectures, demonstrations, four training hours of hands-on training, individual respirator fit testing, course review, and a written

examination. The use of audiovisual materials is recommended to complement lectures, where appropriate. The inspector training course shall adequately address the following topics. Hands-on training ~~should~~shall include conducting a simulated building walk-through inspection and respirator fit testing.

a. Background Information on Asbestos: identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos.

b. Potential Health Effects Related to Asbestos Exposure: the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.

c. Functions/Qualifications and Role of Inspectors: discussions of prior experience and qualifications for inspectors and management planners; discussions of the functions of an accredited inspector as compared to those of an accredited management planner; discussion of the inspection process including inventory of ACM and physical assessment.

d. Legal Liabilities and Defenses: responsibilities of the inspector and management planner; a discussion comprehensive general liability policies, claims made and occurrence policies, environmental and pollution liability policy clauses; state liability insurance requirements; bonding and the relationship of insurance availability to bond availability.

e. Understanding Building Systems: the interrelationship between building systems, including an overview of common building physical plant layouts; heat,

ventilation, and air conditioning (HVAC) system types-physical organization and where asbestos is found on HVAC components; building mechanical systems, their types and organization, and where to look for asbestos on such systems; inspecting electrical systems, including appropriate safety precautions; reading blueprints and as-build drawings.

f. Public/Employee/Building Occupant Relations: notifying employee organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruption; and education of building occupants about actions being taken.

g. Pre-Inspection Planning and Review of Previous Inspection Records: scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling, and abatement records of a building; the role of the inspector in exclusions for previously performed inspections.

h. Inspecting for Friable and Nonfriable Asbestos-Containing Material (ACM) and Assessing the Condition of Friable ACM: procedures to follow in conducting visual inspections for friable and nonfriable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; assessing damage, significant damage, potential damage, and potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; material's potential for disturbance; known or suspected causes of damage or significant damage; deterioration algorithm methods as assessment factors.

i. Bulk Sampling/Documentation of Asbestos in Buildings: detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/585-030a October 1985)"; techniques to ensure that sampling is randomly distributed for other than friable surfacing materials; sampling of nonfriable materials; techniques for bulk sampling; sampling equipment the inspector should use; additional sampling requirements and chain-of-custody forms if litigation is anticipated; patching or repair of damage done in sampling; an inspector's repair kit; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures. ~~EPA recommends that all bulk samples collected from school or public and commercial buildings be analyzed by a laboratory accredited under the NVLAP (National Voluntary Laboratory Accreditation Program) administered by NIST (National Institute of Standards Technology).~~ All asbestos bulk and air monitoring samples collected shall be analyzed by a laboratory that meets the requirements of LAC 33:I.Subpart 3.Chapters 45-59.

j. Inspector Respiratory Protection and Personal Protective Equipment: classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures and their applicability; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; and use, storage, and handling of nondisposable clothing.

k. Recordkeeping and Writing the Inspection Report: labeling of samples and keying sample identification to sampling location; recommendations on sample

labeling; detailing of ACM inventory; photographs of selected sampling areas and examples of ACM condition; information required for inclusion in the management plan by LAC 33:III.2723.

l. Regulatory Review: EPA Worker Protection Rule in 40 CFR 763, Subpart G, TSCA Title II; OSHA Asbestos Construction Standard 29 CFR 1926.1001~~58~~ et seq.; OSHA respirator requirements found at 29 CFR 1910.134 et seq.; the Asbestos-Containing Materials in Schools and State Buildings Regulation found at LAC 33:III.Chapter 27; LAC 33:III.Chapter 51.Subchapter M; and differences in federal/state requirements where they apply and the effects, if any, on public and nonpublic schools, state and commercial or public buildings.

m. Field Trip: inclusion of a field exercise including a walk-through inspection; on-site discussion on information gathering and determination of sampling locations; on-site practice in physical assessment; classroom discussion of field exercise.

n. Course Review: review of key aspects of the training course.

2. Management Planners. All persons who prepare management plans for schools and state buildings ~~must~~shall be trained in accordance with this Section and accredited by the department. Possession of current and valid inspector accreditation shall be a prerequisite for admission to the management planner training course. All persons seeking accreditation as management planners ~~must~~shall complete an inspection training course as outlined above and a two-day management planning training course. The two-day training program shall include lectures, demonstration, course review, and a written examination. The use of audiovisual materials is recommended to complement lectures, where appropriate. The management planner training course shall adequately address the following topics

- a. Course Overview: the role of the management planner; operations and maintenance programs; setting work priorities; protecting building occupants.
- b. Evaluation/Interpretation of Survey Results: review of TSCA Title II requirements for inspection and management plans as given in LAC 33:III.2723; summarized field data and laboratory results; comparison of field inspector's data sheet with laboratory results and site survey.
- c. Hazard Assessment: amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description (or decision tree) code for assessment of ACM; assessment of friable ACM; relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.
- d. Legal Implications: liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair, and removal; use of results from previously performed inspections.
- e. Evaluation and Selection of Control Options: overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response actions described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions.

f. Roles of Other Professionals: use of industrial hygienists, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; team approach to design of high-quality job specifications.

g. Developing an Operations and Maintenance (O and M) Plan: purpose of the plan; discussion of applicable EPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures; steam cleaning and high-efficiency particulate aerosol (HEPA) vacuuming; reducing disturbance of ACM; scheduling O and M for off-hours; rescheduling or canceling renovation in areas with ACM; boiler room maintenance; disposal of ACM; in-house procedures for ACM—bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps; fiber mesh cloth; mineral wool, and insulating cement; discussion of employee protection programs and staff training; case study in developing an O and M plan (development, implementation process, and problems that have been experienced).

h. Regulatory Review: focusing on the OSHA Asbestos Construction Standard 29 CFR 1926.1001 ~~58~~et seq.; LAC 33:III.Chapter 51.Subchapter M; LAC 33:III.Chapter 27; EPA Worker Protection Rule in 40 CFR 763, Subpart G.

i. Recordkeeping for the Management Planner: use of field inspector's data sheet along with laboratory results; ongoing recordkeeping as a means of tracking asbestos disturbance; procedures for recordkeeping.

j. Assembling and Submitting the Management Plan: plan requirements in LAC 33:III.2723; the management plan as a planning tool; the proper completion and submittal of Required Elements for Management Plans, Form AAC-8.

k. Financing Abatement Actions: economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operations and maintenance costs; Asbestos School Hazard Abatement Act grants and loans.

l. Course Review: review of key aspects of the training course.

3. Abatement Project Designers. A person ~~must~~shall be trained in accordance with this Section and accredited by the department as a project designer to design any of the following activities with respect to ~~friable ACBM-RACM~~ in a school or state building: (1) a response action other than a SSSD maintenance activity, (2) a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or (3) a response action for a major fiber release episode. All persons seeking accreditation as abatement project designers shall complete a three-day abatement project designer training course as outlined below. The three-day abatement project designer training program shall include lectures, demonstrations, a field trip, course review, and a written examination. The use of audiovisual materials to complement lecturers, where appropriate, is recommended. The three-day abatement project designer training course shall adequately address the following topics.

a. Background Information on Asbestos: identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos.

b. Potential Health Effects Related to Asbestos Exposure: nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.

c. Overview of Abatement Construction Projects: abatement as a portion of a renovation project; OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101(d)58).

d. Safety System Design Specifications: construction and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; use of negative pressure exhaust ventilation equipment; use of high-efficiency particulate air (HEPA) vacuums; proper cleanup and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair; use of glove bags and a demonstration of glove-bag use.

e. Field Trip: visit to an abatement site or other suitable building site, including on-site discussions of abatement design, building walk-through inspection, and discussion of rationale for the concept of functional spaces during the walk-through.

f. Employee Personal Protective Equipment: the classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing

procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); components of a proper respiratory protection program; selection and use of personal protective clothing, including use, storage, and handling of nondisposable clothing; regulations covering personal protective equipment.

g. Additional Safety Hazards: hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire, and explosion hazards.

h. Fiber Aerodynamics and Control: aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring after abatement; aggressive air movement and negative pressure exhaust ventilation as a cleanup method.

i. Designing Abatement Solutions: discussions of removal, enclosure, and encapsulation methods; asbestos waste disposal.

j. Final Clearance Process: discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; the relationship of the visual inspection to final air clearance; and discussion of the use of TEM analysis in the final clearance process.

k. Budgeting/Cost Estimation: development of cost estimates; present costs of abatement versus future operations and maintenance costs; setting priorities for abatement jobs to reduce cost.

l. Writing Abatement Specifications: preparation of and need for a written project design; means and methods specifications versus performance specifications;

design of abatement in occupied buildings; modification of guide specifications to fit a particular building; worker and building occupant health/medical considerations; replacement of ACM with nonasbestos substitutes; clearance of work area after abatement; air monitoring for clearance.

m. Preparing Abatement Drawings: significance and need for drawings, use of as-built drawings; use of inspection photographs and on-site reports; methods of preparing abatement drawings; diagramming containment barriers; relationship of drawings to design specifications; particular problems with abatement drawings.

n. Contract Preparation and Administration

o. Legal/Liabilities/Defenses: insurance considerations; bonding; hold harmless clauses; use of abatement contractor's liability insurance; claims-made versus occurrence policies.

p. Replacement: replacement of asbestos with asbestos-free substitutes.

q. Roles of Other Consultants: development of technical specification sections by industrial hygienists or engineers; the multidisciplinary team approach to abatement design.

r. Occupied Buildings: special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; scheduling of renovation to minimize exposure.

s. Relevant Federal, State, and Local Regulatory Requirements: procedures and standards, including:

i. requirements of TSCA Title II;

- ii. LAC 33:III.Chapter 51.Subchapter M, Asbestos;
 - iii. LAC 33:III.Chapter 27, Asbestos-Containing Material in Schools and Public Buildings;
 - iv. OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.1101(c) or 29 CFR 1926.(c), whichever is applicable~~134~~);
 - v. Worker Protection Rule, in 40 CFR 763 Subpart G; and
 - vi. OSHA Asbestos Construction Standard in 29 CFR 1926.1101~~58~~ et al. and OSHA Hazard Communication Standard found at 29 CFR ~~1926.59~~ 1910.1101(d).
 - t. Course Review: a review of key aspects of the training course.
4. Asbestos Abatement Contractor/Supervisors. A person must be accredited as a contractor/supervisor to supervise any of the following activities with respect to ~~friable~~ ACBM/RACM in a school or state building: (1) a response action other than a SSSD activity, (2) a maintenance activity that disturbs ~~friable~~ ACBM/RACM other than a SSSD activity, or (3) a response action for a major fiber release episode. All persons seeking accreditation as asbestos abatement supervisors shall complete a five-day training course as outlined below. The training course shall include lectures, demonstrations, at least 14 training hours of hands-on training, individual respirator fit testing, course review, and a written examination. The hands-on training shall include abatement work activities to include working with asbestos-substitute materials, the use of glove bags and protective clothing, proper bagging and wrapping, and constructing a

decontamination unit. The use of audiovisual materials is recommended to complement lectures, where appropriate. For purposes of Louisiana state accreditation, asbestos abatement supervisors include those persons who provide supervision and direction to workers engaged in asbestos removal, encapsulation, enclosure, or repair. Supervisors may include those individuals with the position title of foreman, working foreman, or leadman pursuant to collective bargaining agreements. At least one supervisor is required to be at the worksite at all times while work is in progress. Asbestos workers must have access to accredited supervisors throughout the duration of the project. Contracted air-monitoring personnel ~~must~~shall be trained in accordance with this Section and accredited as contractors/supervisors. Hands-on training ~~must~~shall permit supervisors to have actual experience performing tasks associated with asbestos abatement. The supervisor's training course shall adequately address the following topics.

a. The Physical Characteristics of Asbestos and Asbestos-Containing Materials: identification of asbestos; aerodynamic characteristics; typical uses; physical appearance; a review of hazard assessment considerations; summary of abatement control options.

b. Potential Health Effects Related to Asbestos Exposure: the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; latency period for disease.

c. Employee Personal Protective Equipment: classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing

procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing, including use, storage, and handling of nondisposable clothing; regulations covering personal protective equipment.

d. State-of-the-Art Work Practices: proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lockout; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high-efficiency particulate air (HEPA) vacuums; proper cleanup and disposal procedures, including bagging and wrapping; work practices for removal, encapsulation, enclosure, and repair; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; recommended and prohibited work practices. Discussion of new abatement-related techniques and methodologies may be included.

e. Personal Hygiene: entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure, shall also be included.

f. Additional Safety Hazards: hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.

g. Medical Monitoring: OSHA and EPA Worker Protection Rule requirements for physical examinations, including a pulmonary function test, chest x-rays, and a medical history for each employee.

h. Air Monitoring: procedures to determine airborne concentrations of asbestos fibers, including a description of aggressive sampling, sampling equipment and methods, reasons for air monitoring, types of samples, and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.

i. Relevant Federal, State, and Local Regulatory Requirements: procedures and standards, including:

i. requirements of TSCA Title II;

ii. LAC 33:III.Chapter 51.Subchapter M. Asbestos;

iii. LAC 33:III.Chapter 27, Asbestos-Containing Material in Schools and State Buildings Regulation;

iv. OSHA standards for permissible exposure to airborne concentrations of asbestos fibers (29 CFR 1910.(c)) and respiratory protection (29 CFR 1910.134 et seq.);

v. OSHA Asbestos Construction Standard (29 CFR 1926.1101~~58~~58 et al.); and

vi. 40 CFR 763 Subpart G, Worker Protection Rule.

j. Respiratory Protection Programs and Medical Surveillance Programs

- i. OSHA standards for respiratory protection (29 CFR 1910.134 ~~et seq.~~);
 - ii. OSHA protection factors for respirators (29 CFR 1910.1001(g) et seq. and medical surveillance (29 CFR 1926.58(h) ~~et seq.~~); and
 - iii. EPA protection factors for respirators (40 CFR 763.122; ~~Subpart G, Section g~~).
- k. Insurance and Liability Issues: contractor issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions.
 - l. Recordkeeping for Asbestos Abatement Projects: records required by federal, state, and local regulations; records recommended for legal and insurance purposes.
 - m. Supervisory Techniques for Asbestos Abatement Activities: supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.
 - n. Contract Specifications: discussion of key elements that are included in contract specifications.
 - o. Course Review: review of key aspects of the training course.
5. Asbestos Abatement Workers. A person ~~must~~shall be trained in accordance with this Section and accredited as a worker by the department to carry out any of the following activities with respect to ~~friable ACBM RACM in a school or state building~~: (1) response action other than a SSSD activity, (2) a maintenance activity that disturbs ~~friable RACBM~~ other than a

SSSD activity, or (3) a response action for a major fiber release episode. All persons seeking accreditation as asbestos abatement workers shall complete at least a four-day training course as outlined below. The worker training course shall include lectures, demonstrations, at least 14 training hours of hands-on training, individual respirator fit testing, course review, and an examination. The hands-on training shall include abatement work activities to include working with asbestos-substitute materials, the use of glove bags and protective clothing, proper bagging and wrapping, and constructing a decontamination unit. The use of audiovisual materials is recommended to complement lectures, where appropriate. Hands-on training ~~must~~shall permit workers to have actual experience performing tasks associated with asbestos abatement. A person who is otherwise accredited as a contractor/supervisor may perform in the role of a worker without possessing separate accreditation as a worker. The training course shall adequately address the following topics.

a. Physical Characteristics of Asbestos: identification of asbestos, aerodynamic characteristics, typical uses, and physical appearance, and a summary of abatement control options.

b. Potential Health Effects Related to Asbestos Exposure: the nature of asbestos-related diseases, routes of exposure, dose-response relationships, and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; latency period for disease and a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs.

c. Employee Personal Protective Equipment: classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-

face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing; and regulations covering personal protective equipment.

d. State-of-the-Art Work Practices: proper work practices for asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lockout; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high-efficiency particulate air (HEPA) vacuums; proper cleanup and disposal procedures including wrapping and bagging; work practices for removal, encapsulation, enclosure, and repair, emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices.

e. Personal Hygiene: entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; potential exposures, such as family exposure.

f. Additional Safety Hazards: hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, ~~and~~ falls, and confined spaces.

g. Medical Monitoring: OSHA and EPA Worker Protection Rule requirements for a pulmonary function test, chest x-rays, and a medical history for each employee.

h. Air Monitoring: procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.

i. Relevant Federal, State and Local Regulatory Requirements, Procedures, and Standards: particular attention directed at relevant EPA, OSHA, and state regulations concerning asbestos abatement workers.

j. Establishment of Respiratory Protection Programs.

k. Course Review: review of key aspects of the training course.

BC. Examination. A closed-book examination shall be given to all persons seeking accreditation who have completed an initial training course. A person seeking accreditation in a specific discipline shall pass the examination for that discipline prior to receiving a training certificate. For example, a person seeking accreditation as an inspector must pass the inspector's accreditation examination given by the training ~~organization~~ provider. Each examination shall adequately cover the topics included in the training course for that discipline. Persons who pass and fulfill other associated requirements will receive a certificate indicating that they are trained in a specific discipline. The following are the requirements for examinations in each area:

1. Inspectors:

a. 50 multiple choice questions

b. Passing score: 70 percent

2. Management Planners:
 - a. 50 multiple choice questions
 - b. Passing score: 70 percent
3. Abatement Project Designers:
 - a. 100 multiple choice questions
 - b. Passing score: 70 percent
4. Asbestos Abatement Contractors and Supervisors:
 - a. 100 multiple choice questions
 - b. Passing score: 70 percent
5. Asbestos Abatement Workers:
 - a. 50 multiple choice questions
 - b. Passing score: 70 percent

€D. Refresher Training Courses. The refresher course shall be specific to each discipline. Refresher courses shall be conducted as separate and distinct courses and not combined with any other training during the period of the refresher course.

1. ____ For all disciplines except inspectors, a one-day annual refresher training course is required for reaccreditation.

2. _____ Refresher courses for inspectors shall be a half-day length.

3. _____ Management planners shall attend the inspector refresher course, plus an additional half-day on management planning. ~~The refresher course shall be specific to each discipline. Refresher courses shall be conducted as separate and distinct courses and not combined with any other training during the period of the refresher course.~~

4. _____ For each discipline, the refresher course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures, and a review of key aspects of the initial training courses, including Louisiana regulations. ~~as determined by the state.~~

5. _____ After completing the annual refresher course, persons shall have their training extended an additional year. If a refresher course is not completed within two years of the last course completion date, the initial training course has to be retaken for reaccreditation.

~~DE.~~ DE. Qualifications. In addition to training and an examination, inspectors, management planners, and abatement project designers ~~must~~shall meet the requirements listed below:

1. Inspectors. Qualifications—possess a high school diploma or GED.

2. Management Planners. Qualifications—~~registered~~

a. _____ a certification, registration, or license to practice as an architect, professional engineer, or ~~certified~~ industrial hygienist; ~~or~~

b. _____ bachelor's degree in a related scientific field; ~~or~~

c. a bachelor's degree and five years experience related to assessments and abatement projects in schools and state buildings as an accredited asbestos inspector.

3. Abatement Project Designer. Qualifications—~~registered~~

a. a certification, registration or license to practice as an architect, professional engineer, or certified industrial hygienist;

b. a Bachelor of Sciences degree in a related scientific field with five years experience as a contractor/supervisor working under the direction of a Louisiana accredited project designer, assisting in the planning and implementing asbestos abatement projects; or

c. a high school diploma or GED together with at least 10 years experience as a contractor/supervisor working under the direction of a Louisiana accredited project designer, assisting in the planning and implementing asbestos abatement projects.

~~EF.~~ Accreditation of Agents

1. Accreditation is required for:

a. persons who inspect for the presence of asbestos in facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to schools and/or state buildings, public or commercial buildings, or industrial areas;

b. persons who develop management plans for schools and/or state buildings, or those buildings used or leased by the state;

- c. persons who design or carry out response actions for schools and/or state buildings involving ~~friable asbestos~~ RACM (other than ~~SSSD~~ small-scale, short-duration activities);
 - d. persons contracted to perform air monitoring in schools, state buildings, public or commercial buildings, or industrial areas;
 - e. persons contracted to strip, remove, or otherwise handle or disturb ~~friable asbestos~~ RACM in facilities regulated under LAC 33:III.Chapters 27 and 51, including but not limited to schools, state buildings, public or commercial buildings, or industrial areas.
2. Application for Accreditation. The applicant for accreditation ~~must~~ shall submit the following items:
- a. The latest version of a A-completed and legible Asbestos Accreditation Affidavit, Form AAC-1 (which may be obtained from the Office of Environmental Services or through the department's website) that contains:
 - i. the applicant's name, address, ~~and~~ telephone number, fax number, and email address;
 - ii. the applicant's driver's license or state identification number and the issuing state;
 - iii. the name, address, ~~and~~ telephone number, fax number, and email address of the applicant's employer;

- iv. an identification of the disciplines in which accreditation is sought;
 - v. Form AAC-1 statement of regulation possession, knowledge and enforceability~~completed statements of regulation possession and understanding and of regulatory enforceability;~~
 - vi. the applicant's previous ~~accreditation number~~ agency interest number (AI #), if applicable; and
 - vii. the applicant's signature and the date of application.
- b. A copy of the current class training certificate. First time applicants ~~must~~shall also submit copies of initial training and all subsequent refresher (update) certificates.
- i. The training course(s) ~~must~~shall have at least contingent approval from EPA or be approved by a state authorized by the EPA to approve training courses.
 - ii. Applicants receiving initial training in a location other than within the state of Louisiana from training providers not recognized by EPA or an EPA-authorized state Louisiana ~~must~~shall also submit proof of training in a 2-training hour current Louisiana regulations course from a Louisiana ~~recognized training provider~~ RATP.
- c. Applications for inspector, management planner, and project designer ~~must~~shall include, where applicable:

- i. a copy of a high school diploma, general educational development (GED) certificate or documentation of the highest level of education achieved (including as necessary, a bachelor's degree in a related field); and
 - ii. a copy of proof of certification registration or license to practice as an architect, ~~or certified industrial hygienist, or a professional engineering degree;~~
 - iii. proof of experience as a contractor/supervisor working under the direction of a Louisiana accredited project designer, assisting in the planning and implementing asbestos abatement projects shall be in writing, and include documentation related to assessments of schools and/or state buildings;
 - iv. proof of experience as a contractor/supervisor working under the direction of a Louisiana accredited project designer, assisting in the planning and implementing asbestos abatement projects; or
 - v. proof of at least 10 years experience as a contractor/supervisor working under the direction of a Louisiana accredited project designer, assisting in the planning and implementing asbestos abatement projects, including a letter of certification from the Louisiana accredited project designer under whom the experience was gained, stating that the applicant has the knowledge and skills to perform as an asbestos abatement project designer.
- d. Applicable fees as noted in (LAC 33:III.223).

e. A 1" x 1¼" photograph of the applicant's face (front view) labeled with their name.

3. The completed application with applicable fees (LAC 33:III.223) ~~is to~~shall be sent to the Office of Environmental Services.

4. Persons shall be considered accredited upon receipt of a certificate of accreditation or identification card issued by the department.

5. ~~Applications may be denied for:~~

a. ~~incomplete or illegible applications;~~

b. ~~inaccurate or falsified information; or~~

c. ~~failure to comply with applicable federal, state, and local regulations.~~

6. ~~Approved Applications~~

a. Accreditation numbers ~~will~~shall be issued to all approved agents.

b. ~~Beginning September 1, 1996, a~~ A qualified individual seeking accreditation shall be issued accreditation certificates, which expire one year after the last day of his or her most recent training course. ~~Accreditation certificates that expire before December 31, 1996, will not require a fee.~~

6. Renewal of Accreditation

a. To renew accreditation, all persons shall submit an application in accordance with the requirements of Paragraph F.2 of this Appendix.

b. A qualified individual shall maintain continuous accreditation with the same annual expiration/renewal date, provided the individual submits the required documents and receives refresher training within at least 3060 days of prior to his or her expiration/renewal date.

i. If an individual seeking reaccreditation has received refresher training earlier than within 90 60 days of prior to his or her existing expiration/renewal date, his or her accreditation shall be extended for one year from the existing expiration/renewal date, or receives training after his or her expiration/renewal date,

ii. If an individual seeking reaccreditation has received refresher training earlier than 90 days prior to his or her existing expiration/renewal date, his or her new expiration/renewal date will be one year after the last day of his or her most current training, provided the applicant has received initial or refresher training in the past year.

c. If a qualified individual does not submit an application for renewal within the time provided in Subparagraph F.6.b of this Appendix, his or her accreditation will lapse at the expiration of the term of the accreditation. A qualified individual may be reaccredited upon an application for renewal in accordance with Subparagraph F.6.a of this Appendix. The accreditation expiration/renewal date will be one year after the last day of his or her most current training, provided the applicant has received refresher training within two years of the last course completion date. If a refresher is not taken within two years of the last course

completion date, the initial training course shall be required for reaccreditation in accordance with Paragraph D.5 of this Appendix.

7. Agents who are supervisor accredited are responsible for ensuring that maintenance personnel in schools and ~~state-owned or state-leased~~ buildings are properly trained as defined in LAC 33:III.2721 and that workers trained to meet LAC 33:III.2739.B.3 are accredited.

8. Revocation of Accreditation. Accredited agents may have accreditation revoked for:

a. ~~for~~ failure to comply with or direct others to comply with LAC 33:III.Chapters 27 and 51, and other applicable federal, state, and local regulations;

b. ~~for~~ failure to notify the Office of Environmental Services of changes in status;

c. ~~for~~ failure to operate safely and/or protect the environment;

d. ~~for~~ failure to allow a department representative to inspect and review sites and documentation;

e. ~~for~~ failure to submit valid and accurate accreditation application documents and/or training documents;

f. ~~for~~ performing work requiring accreditation at a job site without being in physical possession of initial and current accreditation certificates;

g. ~~for~~ permitting the duplication or use of one's own accreditation certificate by another;

h. ~~for~~ performing work for which accreditation has not been received;
and/or

i. ~~for~~ obtaining training accreditation from a training provider that does not have approval to offer training for the particular discipline from either EPA or from a State authorized by EPA that has an contractor accreditation plan at least as stringent as the EPA Model Accreditation Plan (MAP).

9. Revocation of accreditation shall be effective for no less than one year.

~~9. To renew accreditation, all persons shall comply with the requirements of Paragraph EF.2 of this Appendix.~~

10. Prohibitions

a. The alteration or possession of altered certificates is prohibited.

b. The submission of any false statement, representation, or certification in any form, application, report, plan, or any other document filed or required to be submitted to/or maintained by the department is prohibited.

c. A student-Trainers shall not participate both as a student and as an principal trainer in their own asbestos training courses for certification, and shall not sign their own training certificate.

~~F. — Recognition of Training Organizations and Their Trainers. Trainers who conduct asbestos courses in Louisiana must do so in association with a training organization recognized by this department. Trainers associated with a recognized training organization must also be recognized by this department prior to conducting approved courses. Asbestos training organizations may be recognized to train provided the organization does the following.~~

~~1. — Submit the latest revision of the Asbestos Training Organization Recognition Application, Form AAC-3, (which may be obtained from the Office of Environmental Services or through the department's website) requesting approval to train asbestos agents.~~

~~2. — The application will as a minimum include the following:~~

~~a. — the name, address, and telephone number of the training organization's corporate offices and the representative serving as the contact for the organization for the scheduling of training courses and for other training activities. The application must be signed by the person who is responsible for the training organization;~~

~~b. — a listing of which courses are requested to be approved;~~

~~c. — when requested, a copy of a certificate, and copies of printed training materials used for every course to be taught including texts, syllabi, and outlines, but not including any exams;~~

~~i. — if the latest version of training material was submitted with the last application, a note to that effect is sufficient;~~

ii. ~~when training material is updated within a year, the latest copy of training material should be submitted;~~

d. ~~the résumés of the instructors attached to an Asbestos Trainer Recognition Form, AAC 4:~~

i. ~~instructors must be experienced in the subjects that they teach;~~

ii. ~~experience is considered as:~~

(a). ~~a degree or certification in the subject being taught;~~

~~or~~

(b). ~~working in the subject for two or more years;~~

iii. ~~two or more instructors must be listed for each initial training course;~~

e. ~~a copy of the EPA letter recognizing full approval of the training organization's course or approval from a state authorized by EPA to approve training courses, if applicable;~~

f. ~~a letter from the provider of the training course that clearly indicates how the course meets the requirements of this Appendix for:~~

i. ~~length of training in days;~~

- ii. ~~amount and type of hands-on training;~~
- iii. ~~examination (length, format, and passing score); and~~
- iv. ~~topics covered in the course;~~
- g. ~~a detailed statement about the development of the examination used in the course.~~

3. ~~The completed application with applicable fees for organization and trainer recognition (LAC 33:III.223) are to be sent to the Office of Environmental Services.~~

4. ~~Applications for recognition may be denied for:~~
- a. ~~incomplete applications;~~
 - b. ~~inaccurate or falsified information; or~~
 - c. ~~failure to comply with applicable federal, state, and local regulations.~~

5. ~~Training organizations and trainers shall be considered recognized upon written confirmation from the department or upon receipt of a certificate of recognition from the department. Training recognition numbers will be issued to all recognized training organizations and training instructors. The recognition is effective for one year. A recognized training organization or trainer may have their recognition revoked for failure to meet the following criteria.~~

a. ~~Unique sequentially numbered certificates must be issued to students who successfully pass the training course. The numbered certificate must indicate the student's name, his or her driver's license or state identification number and the issuing state, the course completed, and the dates of the course and the examination when applicable. The certificate must also include an expiration date for training that is one year after the date on which the student completed the course. The name, address, and telephone number of the training organization must also be indicated on the certificate. The discipline for which training was received shall be stated on each certificate, and a statement must be included that the person receiving the certificate has completed the requisite training for asbestos accreditation as required under TSCA Title II. States or training providers who reaccredit persons based upon completion of required refresher training must also provide accreditation certificates with all of the above information, except the examination date may be omitted.~~

b. ~~The recognized training organization must keep the Office of Environmental Services informed of any change in status of the training organization, such as pending fines, notices of violation, changes in instructor status, etc.~~

c. ~~A notification of which courses will be taught, including where, when, and who will conduct the class, must be submitted to the Office of Environmental Services.~~

i. ~~The notification must be received in writing by the Office of Environmental Services at least five days prior to class commencement. (Notification must be made at least three days prior to a course when only the state regulations are to be taught.)~~

~~ii. — Cancellation of classes must be received by the Office of Environmental Services before the class should have commenced.~~

~~d. — Within 10 days of the completion of a class a complete roster of trainees, their driver's license or state identification numbers and the issuing states, and their examination grades, with a 1" x 1 1/4" photograph of the face of each trainee, must be submitted to the Office of Environmental Services on a form approved by the department.~~

~~e. — The Office of Environmental Services must be notified by phone or in writing of changes in class schedules prior to the date when the course was to have commenced.~~

~~f. — The organization and its instructors must comply with and direct others to comply with LAC 33:III.Chapters 27 and 51 and other applicable federal, state, and local regulations.~~

~~g. — Louisiana regulations LAC 33:III.Chapters 27 and 51 must be taught for a minimum of two hours in each approved initial course.~~

~~h. — Training course providers shall permit representatives of EPA or the Louisiana Department of Environmental Quality to attend, evaluate, and monitor any training course without charge.~~

~~i. — Courses must be taught at least according to the criteria and length of training specified in LAC 33:III.2799.Appendix A.~~

~~j. — Only recognized trainers may teach courses.~~

~~k. — Additionally, training course approval may be withdrawn for:~~

~~i. — misrepresentation of the extent of a training course's approval by a state or EPA;~~

~~ii. — failure to submit required information or notifications in a timely manner;~~

~~iii. — failure to maintain requisite records;~~

~~iv. — falsification of accreditation records, instructor qualifications, or other accreditation information;~~

~~v. — failure to adhere to the training standards and requirements of the agent accreditation plan.~~

~~6. — Applications for trainer recognition shall be completed using the latest revision of the Asbestos Trainer Recognition Form, AAC-4 (latest revision of the form may be obtained from the Office of Environmental Services or through the department's website). A résumé indicating proof of experience as described in Clause F.2.d.ii of this Appendix must be attached. The completed application with applicable fees (LAC 33:III.223) is to be sent to the Office of Environmental Services.~~

~~7. — Courses may be given contingent approval based upon the review of course materials and inclusion of those topics required under Subsection A of this Appendix when applicable. Full approval may be given upon completion of an audit of the course for which approval is requested.~~

a. ~~Initial training courses must be held for at least the length specified in Subsection A of this Appendix.~~

b. ~~Refresher training courses must be held for at least the length of time as specified in Subsection C of this Appendix.~~

8. ~~Recognition of trainers and training organizations is effective for one year from the date issued. Recognition of training organizations and trainers may be renewed annually by submitting the latest revision of Form AAC 3 and AAC 4 respectively along with the applicable fees (LAC 33:III.223) to the department.~~

9. ~~Recordkeeping Requirements of Training Providers. All approved providers of accredited asbestos training courses must comply with the following minimum recordkeeping requirements:~~

a. ~~Training Course Materials. A training provider must retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks and handouts.~~

b. ~~Instructor Qualifications. A training provider must retain copies of all instructors' résumés, and the documents approving each instructor issued by the department in advance whenever it changes course instructors. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.~~

c. ~~Examinations. A training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing~~

~~score on the examination. These records must clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate.~~

~~d.——Accreditation Certificates. The training providers shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification by telephone of the required information.~~

~~e.——Records Retention and Access~~

~~i.——The training provider shall maintain all required records for a minimum of three years. The training provider, however, may find it advantageous to retain these records for a longer period of time.~~

~~ii.——The training provider must allow reasonable access to all of the records required by this Appendix, and to any other records which may be required for the approval of asbestos training providers or the accreditation of asbestos training courses, to both EPA and to state agencies, on request. EPA encourages training providers to make this information equally accessible to the general public.~~

~~iii. — If a training provider ceases to conduct training, the training provider shall notify the Office of Environmental Services and give it the opportunity to take possession of that providers asbestos training records.~~

G. RATP and Principal Trainers. RATPs and principal trainers shall be recognized by the department prior to conducting training of approved courses in Louisiana. Principal trainers who conduct asbestos courses in Louisiana shall do so in association with a RATP recognized by the department.

1. Asbestos training providers requesting recognition shall provide the following:

a. the latest version of the Asbestos Training Provider Recognition Application, Form AAC-3, (which may be obtained from the Office of Environmental Services or through the department's website) requesting approval to train asbestos agents;

b. the latest version of the Asbestos Trainer Recognition Application, Form AAC-4, with resumes for principal trainers;

c. two or more principal trainers shall be listed for each initial training course; and

d. appropriate fees (LAC 33:III.223).

2. The asbestos training provider recognition application shall, at a minimum, include the following:

a. the name, address, telephone number, and email address of the training provider's primary offices and the representative serving as the contact for the provider for the scheduling of training courses and for other training activities;

b. the signature of a responsible official for the training provider; and

c. information on the specific courses including:

i. course discipline (e.g., worker, contractor/supervisor, inspector, etc.);

ii. course type (i.e., initial or refresher);

iii. the language in which the course will be taught;

iv. all addresses of the physical locations where courses will be held during the year;

v. a description of the facility where the classes will be held (e.g., warehouse, industrial building, etc.)

vi. copies of the latest version of training materials including texts, syllabi, and outlines, but not including exams;

(a). if the latest version of training material was submitted with the last application, a note to that effect is sufficient;

(b). the training material shall be provided in the language it will be taught; and

(c). the department reserves the right to request a copy of the training material at any time;

vii a detailed statement about the development of the examination used in the course. The statement shall include, but is not limited to:

(a). the number of questions for each exam;

(b). the topics covered in the exam; and

(c). the number of questions specifically relating to Louisiana regulations; and

viii. a detailed statement clearly indicating how the course meets the requirements of this Appendix for:

(a). length of training days;

(b). amount and type of hands-on training;

(c). examination (e.g., length, format, passing score);

(d). topics covered in the course;

(e). a copy of an example training completion certificate; and

(f). a copy of the EPA letter recognizing approval of the training provider's course or approval from a state authorized by EPA to approve training courses, if applicable.

3. Trainers seeking recognition shall submit:

a. the latest version of the Asbestos Trainer Recognition Form, AAC-

4;

b. appropriate fees (LAC 33:III.223);

c. a resume indicating proof of experience in the subjects they will teach which includes the following experience requirements;

i. a degree or training certification in the subject being taught;

and

ii. experience in the field for two or more years;

d. A person experienced as a supervisor/contractor is also considered experienced as a worker.

4. Training Providers and Trainers Recognition

a. Training providers and trainers shall be considered recognized upon written confirmation from the department or upon receipt of a certificate of recognition from the department.

b. Training recognition numbers will be issued to all recognized training providers and principal trainers. The recognition is effective for one year from the date issued.

c. Recognition of training providers and trainers may be renewed annually by submitting the latest revision of Forms AAC-3 and AAC-4 respectively along with all appropriate updates to the information required for the application and the applicable fees to the department.

5. Applications for training provider and trainer recognition may be denied for:

a. incomplete applications;

b. inaccurate or falsified information;

c. incomplete supporting documentation;

d. failure to comply with applicable federal, state, and local regulations, which includes nonpayment of fees or a history of noncompliance with LAC 33:III. Chapters 27 and 51; and

e. at the discretion of the department based on past compliance history.

6. Training courses will be given contingent approval based upon the review of course materials and inclusion of those topics required under Subsection B of this Appendix when applicable. Full approval may be given upon completion of an audit of the courses.

7. Recognition for a training course may be denied if the training provider fails to:

a. comply with the course requirements outlined in Subsection G.4 of this Appendix; and

b. comply with the notification requirements outlined in Section G.7 of this Appendix.

8. Compliance and Enforcement. A recognized training provider or recognized trainer may have their recognition withdrawn or revoked for one or more years according to one or more of the following criteria:

a. failure to issue certificates which includes the information required by these regulations;

b. failure to ensure that the training materials are applicable to the class taught, and are included in the latest material submitted to the department as part of the initial or renewal application;

c. failure to ensure that the training material includes the most current version of the DEQ forms, obtained from the department website;

d. failure to ensure that the Office of Environmental Services is informed of any change in status of the training organization, such as pending fines, notices of violation, changes in principal trainer status, etc;

e. failure to ensure that a timely notification of courses that will be taught, including where, when, and who will conduct the class, or that a cancellation of classes is received by the Office of Environmental Services before the class should have commenced;

f. failure to ensure that an accurate, timely, and complete roster is received by the Office of Environmental Services;

g. misrepresentation of the extent of a training course's approval by a state or EPA;

h. failure to submit required information or notifications in a timely manner;

i. failure to maintain requisite records;

j. falsification of recognition or accreditation records, trainer qualifications, or other information;

k. falsification of any information regarding the principal trainer and course location on the notification or roster;

l. misrepresenting the contents of a training course to the department and/or the student population;

m. making false or misleading statements to the department, EPA, or another state in its application for recognition;

n. failure to adhere to the training standards and requirements of the agent accreditation plan and the EPA MAP; and/or

o. failure to meet any of the requirements of this Appendix.

9. Three violations of any of the requirements of this Subsection will result in the training provider or principal trainer permanently losing their recognition to teach courses in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:397 (May 1990), LR 16:1057 (December 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2458 (November 2000), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 30:2803 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2444 (October 2005), LR 33:2090 (October 2007), amended by the Office of the Secretary, Legal Division, LR 39:**.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULESLOG #: AQ329

Person

Preparing Statement: Chris Mayeux
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Return

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Rule

Title: Asbestos-Containing Materials in Schools
and State Buildings (LAC 33:III. 2701, 2703,
2705, 2707, 2711, 2713, 2717, 2719, 2721,
2723, 2725, 2735, 2739, 2741 and 2799)

Date Rule

Takes Effect: upon promulgationSUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs or savings to state or local government units as a result of the proposed rule change. The rule is being amended to update and clarify language requiring local education agencies and state government to inspect schools and state building for asbestos containing material, and update asbestos training course requirements

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment related to this rule change.

_Signature of Agency Head or Designee
Officer or Designee

Herman Robinson, CPM, Executive Counsel
Typed Name and Title of Agency Head or Designee

_Date of Signature

Legislative Fiscal

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The rule is being amended to incorporate clarifications needed for asbestos accreditation, training providers and trainer recognition, and schools and state buildings.

In addition, the rule corrects out of date federal language and adds the LELAP language regarding laboratory accreditation, and additional definitions that are needed.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This action is not required by federal regulations; however, the revisions will assist the training providers and trainers by clarifying the requirements they need to follow in order to maintain compliance with the rule.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The rule revision will not result in an increase in the expenditure of funds.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) ___ Yes. If yes, attach documentation.
(b) ___ No. If no, provide justification as to why this rule change should be published at this time.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY12-13	FY13-14	FY14-15
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR			
POSITIONS (#)	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY12-13	FY13-14	FY14-15
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

There are currently sufficient funds to implement the proposed rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There will be no impact on governmental units from this rule revision.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY12-13	FY13-14	FY14-15
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	-0-	-0-	-0-

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The revised regulations will provide no extra costs or benefits as contractors, commercial, and industrial regulated communities, training providers, trainers, and schools and state buildings are already adhering to these regulations.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

This is not applicable.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This is not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There will be no impact on competition and employment in the public and private sectors related to this rule revision.